

**(ELEVENTH DAY)****(Monday, January 31, 1949)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Strauss
Hardeman	Taylor
Harris	Tynan
Hazlewood	Vick

**Absent—Excused**

Hudson	Moore
Jones	Shofner
Lane	Weinert
McDonald	

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Bullock.

Senator Jones was granted leave of absence for today on account of important business on motion of Senator Corbin.

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator McDonald was granted leave of absence for today on account of important business on motion of Senator Bracewell.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Corbin.

Senator Shofner was granted leave of absence for today on account of important business on motion of Senator Carney.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Strauss.

**Senate Bills on First Reading**

The following bills were introduced, read severally first time, and referred to the committees indicated:

**By Senator Bell:**

S. B. No. 149, A bill to be entitled "An Act regulating the sale and manufacture of foods, drugs and cosmetics for the protection of public health in the State of Texas, repealing Article 4465a of Vernon's Civil Statutes of Texas; Article 4466 of Vernon's Civil Statutes of Texas; Article 4470 of Vernon's Civil Statutes of Texas; Article 706 of Vernon's Civil Statutes of Texas; Article 706 of Vernon's Penal Code of Texas; Article 707 of Vernon's Penal Code of Texas; Article 708 of Vernon's Penal Code of Texas; Article 709 of Vernon's Penal Code of Texas as amended by Chapter 266, P. 540, Section 1 of Acts of 1937, 45th Legislature; Article 717 of Vernon's Penal Code of Texas, and all other laws in conflict herewith; prescribing penalties; and declaring an emergency."

To Committee on Public Health.

**By Senator Bullock:**

S. B. No. 150, A bill to be entitled "An Act making it unlawful for any prisoner convicted of a felony and sentenced to serve a term in the penitentiary to escape from prison, or the lawful custody of an officer, or any other person authorized by law to have such prisoner in his custody; prescribing a penalty for violation thereof; and declaring an emergency."

To Committee on Criminal Jurisprudence.

**By Senator Vick:**

S. B. No. 151, A bill to be entitled "An Act amending Acts 1947, Regular Session, 50th Legislature, chapter 250, page 447, to permit the use of fruit jars with funnel attached for taking minnows for bait and the use of twenty-foot minnow seines and cast nets of any size mesh for taking certain rough fish in McLennan county public

waters; repealing conflicting laws and declaring an emergency."

To Committee on Game and Fish.

By Senator Vick:

S. B. No. 152, A bill to be entitled "An Act permitting the use of fruit jars with funnel attached for taking minnows for bait and the use of twenty-foot minnow seines and cast nets of any size mesh for taking certain rough fish in the public waters of the State of Texas; repealing conflicting laws and declaring an emergency."

To Committee on Game and Fish.

By Senator Harris:

S. B. No. 153, A bill to be entitled "An Act amending Chapter 478, Acts of the Regular Session of the 45th Legislature (begin as act dealing with the practice of architecture), so as to more accurately define the practice of Architecture, and to more accurately describe violations thereof and more equitably prescribe the penalties for violations thereof and more equitably prescribe the penalties for violations of any provision of such Chapter 478; eliminating from such Chapter 478 certain exceptions excepting certain persons from the provisions of said Chapter 478 as amended; and declaring an emergency."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 154, A bill to be entitled "An Act to appropriate money out of the State Highway funds to pay the judgment, interest, and costs in favor of Christine Mayes Wallace and husband, Morris Wallace, in Cause No. 88216-C, styled Christine Mayes Wallace, et vir, Morris Wallace, vs. The State of Texas and the State Highway Department, in the 68th District Court of Dallas County, Texas, and declaring an emergency."

To Committee on Finance.

By Senator Tynan:

S. B. No. 155, A bill to be entitled "An Act declaring the floods in Bexar, Wilson, Karnes and Goliad Counties, Texas, to be public calamity; authorizing a donation and grant to the San Antonio River Canal and Conservancy District of all of the state ad valorem taxes collected in said counties for two years; providing that such donated taxes shall be used for construction and operation of flood control improvement and in aid thereof; specifying the reports thereon to be

made by the Assessor and Collector of Taxes; making existing state laws applicable to contracts, receipts and disbursements and accounting for said public funds; suspending all laws in conflict; and declaring an emergency."

To Committee on State Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 156, A bill to be entitled "An Act creating and establishing Hidalgo County Road District Number 10 in Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds (2/3) vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Hazlewood:

S. B. No. 157, A bill to be entitled "An Act prescribing the minimum and maximum salaries of the district clerks, county judges, tax assessors and collectors, county attorneys, sheriffs and county clerks and their deputies in all counties of the State of Texas; providing that the Act shall

be severable; repealing all laws in conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

#### Senate Resolution 26

Senator Cousins offered the following resolution:

Whereas, The Senior Class of Liberty High School of Liberty, Texas: Keith Kirtley, Maurice Locke, Ray Mason, Joyce Marie Davis, Wylodean Hayes, Billy Sewell, Marie Parrish, Margaret McClurg, James Buchanan, Justin Johnson, W. O. Autery, Jr., F. K. Dodge II, Joyce Newborn, Barnell Stinnett, Joan Tate, Archie Alice Cain, Joe Scofelia, Ann Lynch, Margie Wiggins, Doyle Lawrence, Jesse Kersh, Norma Joyce Woods, Rex E. Buchanan, Cliff Tanner, Joe Love, David Young, Laverne Lewis, Billy Adams, Perry Hubbard, Malcolm Dimmitt; together with their sponsor, Miss Lois Short; their chaperon, Mrs. James A. Cain and their special driver, Mr. John Williams, were visitors in the Senate on January 27, 1949; and

Whereas, The above referred to Senior Class has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting, they can intelligently participate in their State Government; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their sponsors in the State Government by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the Senate expresses its appreciation to these students for their visit and that a copy of this resolution under seal of the Senate be forwarded to each member of the Senior Class of Liberty High School and to Miss Lois Short, Mrs. James A. Cain and Mr. John Williams, as evidence of this resolution.

The resolution was read and was adopted.

(President in the Chair.)

Communication from Honorable  
Rogers Kelly

January 27, 1949.

Mr. Garland Smith  
Secretary of the Senate  
Senate Chamber  
Austin, Texas

Dear Mr. Smith:

I would like to express through you to the entire Senate my deep appreciation for the beautiful flowers and the telegram of sympathy recently sent by the Senate upon the loss of my father.

These sentiments and lovely expressions brought a great deal of comfort to my mother and me and my entire family and I assure you we shall always be grateful.

Sincerely yours,  
ROGERS KELLEY.

#### Adjournment

On motion of Senator Strauss, the Senate at 11:40 o'clock a.m., adjourned until 10:30 o'clock a.m. tomorrow.

#### TWELFTH DAY

(Tuesday, February 1, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Moore, and by unanimous consent, the reading of the Journal of the proceedings of Monday was dispensed with and the Journal approved.

#### Senate Resolution 28

Senator Vick offered the following resolution: